COMMERCE—FEDERAL EMPLOYERS' LIABILITY ACT—EMPLOYMENT IN "INTERSTATE COMMERCE."—The plaintiff was a section foreman of the defendant with the duty of keeping the tracks in repair. Acting under instructions, he was on his way to repair a washout supposed to be on the main track, but was injured before he arrived there. It later appeared that the washout was on a spur track owned by a different corporation. *Held,* that the jury might infer that at the time of his injury he was engaged in interstate commerce within the EMPLOYERS' LIABILITY ACT, April 22, 1908, c. 149, 35 Stat. 65, (U. S. Comp. St. 1913, secs. 8657-8665), *Atlantic C. L. R. Co.* v. *Tomlinson,* (Ga. App. 1918), 94 S. E. 909.

In order for the plaintiff to recover he must show that the carrier was engaged in interstate commerce and that he was employed therein, *Pedersen* v. *Delaware, L. & W. Ry.,* 229 U. S. 146. To determine whether the employee is "employed in such commerce" the Supreme Court of the United States in the *Second Employers' Liability Cases,* 223 U. S. 1, 47, did not particularize, but contented itself with the broad doctrine that the employment must have a real or substantial connection with interstate commerce. The nature of the work being done at the time of the injury and its effect on interstate commerce is to be considered, *Lamphere* v. *Oregon R. & Nav. Co.,* 196 Fed. 336. But each case is to be decided in the light of its particular facts, *N. Y. Cent. & H. R. R. Co.* v. *Carr,* 238 U. S. 260, 263. In accord with these views it has been held that one engaged in repairing interstate tracks comes within the act, *Zikos* v. *Oregon R. & Nav. Co.,* 179 Fed. 893; *Jones* v. *Chesapeake & O. Ry. Co.,* 149 Ky. 566. If the railway accept freight on through bills of lading, though its tracks be entirely within the state, an employee engaged in repairing the tracks can recover under the act, *Cholerton* v. *Detroit, J. & C. Ry.,* (Mich., 1917), 165 N. W. 606; 16 MICH. L. REV. 385. But an employee working on a private spur, *In re Liberti,* 167 N. Y. S. 478, or doing local work on a short branch leading to a private smelter, *Southern Ry. Co.* v. *Murphy,* 9 Ga. App. 190, is not entitled to protection of the Act. An engineer injured on his way to the roundhouse where he was to take out an interstate train, *Mo., Kan. & Tex. Ry.* v. *Rentz,* (Tex. Civ. App. 1913), 162 S. W. 959, and an employee riding on a hand car furnished by the railroad to his work of pumping water for interstate trains, *Horton* v. *Oregon-Wash. R. & Nav. Co.,* 72 Wash. 503, have been held entitled to recover under the Act. In the instant case, however, the court extends the scope of the Act to include an employee who *thinks* he is on his way to engage in interstate commerce, but who would not have been engaged in interstate commerce if he had been sent to the spur track and no error had been made. What will be the next step?

COMMERCE — INTERSTATE TRANSPORTATION—INTOXICATING LIQUORS.— Petitioner was convicted of violating the prohibition laws of the state of Alabama, by having in his possession a large quantity of intoxicating liquors, while driving along the public roads of the state in an automobile. It appeared, and the petitioner set it up as a defense, that the carrying of the liquors in question was a part of an interstate shipment. *Held,* that the state